

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES L. DAVIS a.k.a.  
MICHAEL L. HOLMES,

Plaintiff,

No. CIV S-04-1390 LKK PAN P

vs.

TERESA A. SCHWARTZ,

Defendant.

ORDER

Plaintiff is a state prisoner proceeding pro se in this civil rights action for relief pursuant to 42 U.S.C. § 1983. On July 7, 2006, plaintiff filed a document styled "Traverse in Opposition to Defendant's Summary Judgment Motion or Motion for Dismissal." The court construes this document as a reply to defendant's answer filed June 26, 2006.. Rule 7 of the Federal Rules of Civil Procedure provides as follows:

There shall be a complaint and an answer; a reply to a counterclaim denominated as such; an answer to a cross-claim, if the answer contains a cross-claim; a third-party complaint, if a person who was not an original party is summoned under the provisions of Rule 14; and a third-party answer, if a third-party complaint is served. No other pleading shall be allowed, except that the court may order a reply to an answer or a third-party answer.

Fed. R. Civ. P. 7(a) (emphasis added). The court has not ordered plaintiff to reply to defendant's answer and declines to make such an order.

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's July 7, 2006 reply to  
2 defendant's June 26, 2006 answer shall be disregarded.

3 DATED: July 27, 2006.

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5 **UNITED STATES MAGISTRATE JUDGE**  
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